

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Coy Dial**

**Docket No. 7:14-CR-116-1FL**

**Petition for Action on Supervised Release**

COMES NOW Henry Ponton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Coy Dial, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possession with Intent to Distribute a Quantity of Cocaine Base (Crack) and Cocaine in violation of 21 U.S.C. §§846 and 841(b)(1)(C), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on November 5, 2015, to the custody of the Bureau of Prisons for a term of 32 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Coy Dial was released from custody on August 10, 2017, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On November 20, 2017, the undersigned officer conducted a home visit at the defendant's residence. While providing a urine sample, it was observed that the defendant was using a Whizzinator. The device was confiscated, and the defendant subsequently signed an admission form for use of Xanax on November 16, 2017, and powder cocaine on November 18, 2017. The defendant admitted that he obtained the urine from a neighbor for the purpose of defeating his drug test. He was instructed to provide a valid sample, but was unable to do so. An office appointment was scheduled for the following day on November 21, 2017.

On November 21, 2017, the defendant reported to the office as instructed and provided a urinalysis sample. The sample was sent to Alere Laboratories for testing, and was confirmed positive for cocaine, oxycodone, and oxymorphone on November 26, 2017. The defendant has been placed on a green testing schedule in the surprise urinalysis program. He has also been referred for individual substance abuse treatment at Reality Counseling in Lumberton, North Carolina.

It is also recommended that the Whizzinator device seized from the defendant by the undersigned probation officer be destroyed.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 15 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.
2. The Whizzinator device seized from the defendant on November 20, 2017, shall be destroyed by the United States Probation Office.

Except as herein modified, the judgment shall remain in full force and effect.

**Coy Dial**  
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Reviewed and approved,


I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Eddie J. Smith  
Eddie J. Smith  
Supervising U.S. Probation Officer

/s/ Henry Ponton  
Henry Ponton  
U.S. Probation Officer  
150 Rowan Street Suite 110  
Fayetteville, NC 28301  
Phone: 910-354-2536  
Executed On: November 30, 2017

**ORDER OF THE COURT**

Considered and ordered this 1st day of December, 2017, and ordered filed and  
made a part of the records in the above case.

  
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Louise W. Flanagan  
U.S. District Judge